

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>VEDA MAE DOWNING,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 4:10cv1509 TCM</b>
	)	
<b>CHARLES R. DWYER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This case is before the Court on the motion of Plaintiff's attorney for leave to withdraw on the grounds of a conflict of interest; the pro se motion of Plaintiff to strike the motion to withdraw; and a motion for an extension of time for Plaintiff to conduct discovery, file a response to the motion to dismiss, and retain new counsel.

Counsel cites a conflict of interest in her motion to withdraw as Plaintiff's retained counsel. She has, as ordered, advised the Court of Plaintiff's address and telephone number and has certified that she has sent Plaintiff a copy of the case management order. She has also made her legal file available to Plaintiff to be picked up. Her motion to withdraw will be granted.

Plaintiff opposes the motion to withdraw, but does not dispute that there is a conflict of interest. The address and telephone number listed on her pro se motion are the same as that provided to the Court by counsel. Plaintiff's motion to strike counsel's motion will be denied. Additionally, Plaintiff will be ordered to inform the Court, in writing, whether she will be proceeding pro se – the Court notes that she filed this action pro se – or whether she will seek new counsel.

Also pending is a motion for extension of time filed on behalf of Plaintiff by her now-former counsel. Requested is additional time to pursue discovery and to obtain new counsel to respond to the pending motion to dismiss. Additional time for discovery will *not* be granted. The current discovery deadline is November 14, 2011; the current dispositive motion deadline is March 1, 2012; the current trial setting is July 9, 2012. Each of these deadlines provide Plaintiff ample time within which to retain new counsel and comply with the relevant deadline; none of these deadlines will be extended. Plaintiff will, however, be granted additional time within which to respond to the motion to dismiss.

For the foregoing reasons,

**IT IS HEREBY ORDERED** that the motion of counsel Cynthia West to withdraw is **GRANTED**. [Doc. 41]

**IT IS FURTHER ORDERED** that the motion of Plaintiff to strike the motion to withdraw is **DENIED**. [Doc. 43] Plaintiff is ordered to advise the Court **in writing and within fifteen (15) days of the date of this Order** whether she will proceed pro se or seek to retain new counsel.

**IT IS FINALLY ORDERED** that the motion for extension of time is **GRANTED** insofar as Plaintiff is granted additional time up to and including **July 11, 2012**, within which to respond to the pending motion to dismiss and is **DENIED** in all other respects. [Doc. 44]

/s/ Thomas C. Mummert, III  
THOMAS C. MUMMERT, III  
UNITED STATES MAGISTRATE JUDGE

Dated this 25th day of May, 2011.